

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KELLIE MALLAM, and CHRIS MALLAM,

Plaintiffs,

vs.

MID-CENTURY INSURANCE
COMPANY, a California Corporation,
a/k/a Farmers Insurance Company, a/k/a
Farmers Insurance Exchange;

Defendant.

8:23CV150

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that Defendant's Unopposed Motion to Extend is granted (Filing No. 18). The unexpired deadlines in the final progression order (Filing No. 11) are amended as follows:

- 1) Per Filing No. 17, Plaintiff's bad faith claim remains stayed pending resolution of Plaintiff's contract claim.
- 2) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings set for March 5, 2024 is **continued** and will be held with the undersigned magistrate judge on **May 14, 2024 at 9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the defendant(s):
Plaintiff(s)' rebuttal:

February 15, 2024.
March 15, 2024.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is April 30, 2024.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is June 14, 2024.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is June 14, 2024.
- 7) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) Deadlines not specifically amended by this order are unchanged. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 10th day of October, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge